COVID-19 and the Role of the Security Council as Global Health Peacekeeper

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Abstract

The COVID-19 pandemic has become one of the greatest challenges the world has faced since the founding of the United Nations. The following article provides a short overview, which addresses the United Nations’ efforts in minimizing the negative impact of the virus on peace and security by focusing on the potential role of the Security Council from a normative perspective.

Keywords


“This is, above all, a human crisis that calls for solidarity.”
UN Secretary-General António Guterres, 19 March 2020

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“If ever we needed reminding that we live in an interconnected world, the novel coronavirus has brought that home.”
UN High Commissioner for Refugees Filippo Grandi

“This is the biggest challenge that civilization has faced since the Second World War. ... This certainly has effects on peace and security, and on the issues that we deal with here in the Security Council. We see that preexisting crises are aggravated. There is a potential for new crises. The Secretary-General outlined this: we may face fights for resources, we may have terrorists who take advantage of this pandemic and we have a humanitarian crisis that will be aggravated. But, we have to admit: from the Security Council up until now, there was deafening silence.”
Ambassador Heusgen during the Security Council vtc Meeting on COVID-19, 9 April 2020

1 Introduction

Since the novel coronavirus first appeared in December 2019 in the city of Wuhan, China, the world has been in a state of shock, with globally, more than 423,000 people dead and 7,500,000 confirmed cases. On 11 March 2020, the World Health Organization (WHO) declared the coronavirus outbreak a pandemic. The International Labor Organization (ILO) estimates the pandemic could cause the equivalent of 195 million job losses. Financial institutions predict the worst recession since World War II due to it. Half a billion people

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around the world could be pushed into poverty as a result.\textsuperscript{7} These developments could lead to fights over resources. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO)\textsuperscript{1} 3 billion students are negatively affected by school and university closures.\textsuperscript{8} Additionally, there are 71 million people displaced worldwide. It is one of the major challenges for the United Nations High Commissioner for Refugees (UNHCR) to provide them with live-saving support including water, food and medicine.\textsuperscript{9} Key tasks for the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) are emergency funding, essential coordination and ensuring safe and effective humanitarian operations during the COVID-19 crisis.\textsuperscript{10} One of the major issues is how to soften the impact of the virus in conflict zones.\textsuperscript{11} Another fear is that countries with a fragile health system might regress to conflict, which would make the containment of the virus almost impossible. Experts worry that the UN could face lack of funding which would negatively affect the work of the United Nations in the field of peace and security.\textsuperscript{12}

The outbreak of the coronavirus has led to many questions among international relations specialists: Will the coronavirus reshape the global order?\textsuperscript{13}

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Could the ongoing and escalating dispute between the United States and China lead to the outbreak of a new Cold War?\textsuperscript{14} How should the global response be organized and coordinated? How can governments stop the freefall of the world economy? Could a global depression caused by the pandemic make conflicts between states more likely?

International lawyers\textsuperscript{15} discuss, \textit{inter alia}, the human rights dimensions related to COVID-19,\textsuperscript{16} the international pandemics law of the WHO,\textsuperscript{17} the relationship between pandemic regulation and international trade law\textsuperscript{18} as well as potential lawsuits against China for COVID-19 related harms.\textsuperscript{19} Another hotly debated topic concerns the role of the UN Security Council (SC), which has

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been criticized for not having taken prompt action in regard to the pandemic, until the beginning of 2020. The following article examines the role of the SC, how it could respond to COVID-19 as a threat to international peace and security and whether there is an obligation to act under international law. The SC could adopt a resolution under Chapter VII of the UN Charter which would be uncontroversial if China and the United States would overcome their differences and if COVID-19 could be regarded as a threat to international peace and security according to Art. 39 of the UN Charter (see sections 3 and 4). Before addressing these issues, the article briefly summarizes the UN’s efforts to fight the pandemic and why the Security Council has not taken any action so far (see sections 2 and 3).

2 The UN’s Response to the Corona Virus

Despite of the Security Council’s inaction, various bodies within the UN system (including the WHO, the General Assembly, UN Secretary General Guterres, UN agencies and UN peace operations) have taken measures in response to the worldwide pandemic. The WHO as “the global guardian of health” plays a very important role, among others, by providing guidance and COVID-19 health advice as well as by sending response coordinators, epidemiologists and other experts into countries affected by the virus. UN Secretary General Guterres has been at the forefront of the fight against COVID-19. In his remarks to the Security Council on 9 April 2020, he stated that the current crisis is the “gravest test since the founding of this Organization” and “the fight of a generation”. One of his concerns is that terrorists could see the situation as a window of opportunity to strike and that the pandemic might therefore lead to greater social unrest and violence. He urged his audience to put women, especially minors, at the center of COVID-19 recovery efforts. Furthermore, he warned, among other issues that “in some conflict settings, the uncertainty created by the pandemic may create incentives for some actors to promote further division and turmoil and the crisis has hindered international, regional and national conflict resolution efforts, exactly when they are needed most”. He therefore called for a global cease-fire. In his words, “the engagement of the Security Council will be critical to mitigate the peace and security implications...
of the COVID-19 pandemic”. A few days earlier, the General Assembly adopted the first resolution on the COVID-19 pandemic recognizing the importance of a global response based on unity, solidarity and renewed multilateral cooperation. It was adopted by 188 of the 193 states that make up the General Assembly. The resolution titled ‘Global Solidarity to Fight the Coronavirus’ stressed “the need for full respect for human rights” and that “there is no place for any form of discrimination, racism and xenophobia in the response to the pandemic”.

In March 2020, the UN launched a $2 billion humanitarian response plan to fund the fight against the virus in the poorest world countries. Different UN agencies have developed new technological approaches to tackle the crisis. The UN has set up a special internet platform on the coronavirus providing information for UN personnel, member states and the general public. The UN High Commissioner for Human Rights, Michelle Bachelet, called for an easing of sanctions. Her office also issued special COVID-19 guidance for the protection of human rights within the context of the disease.

Thirteen UN peace operations also had to adapt to the challenges caused by the pandemic. Major concerns include that UN peacekeepers could get infected and even spread the virus among the local populations where they are deployed. Troop rotations consequently had to be postponed. Social distancing


23 Ibid.


has been introduced as a mission policy. Peacekeepers have supported national efforts to combat the coronavirus through the delivery of medical equipment and public awareness programs. Concrete examples include: the launching of a Community Engagement Awareness Campaign (CEAC) by United Nations-African Union Hybrid Operation in Darfur (UNAMID) in internally displaced persons camps in north and central Darfur,\(^{30}\) the provision of medical and personal protective equipment by the United Nations Interim Force in Lebanon (UNIFIL),\(^{31}\) as well as various prevention measures taken by the United Nations Mission in South Sudan (UNMISS) including an international travel freeze, reduced domestic flight schedules, self-isolating staff members, enforced physical distancing, and psychosocial support.\(^{32}\)

Future research may focus on the following questions: a) how has the COVID-19 pandemic affected UN peace operations’ ability to effectively carry out their mandate, especially within the context of the protection of civilians and delivery of humanitarian aid? b) how has the pandemic affected the UN peacekeeping missions’ ability to operationally undertake their day-to-day work? c) will COVID-19 lead to changes conceptually transforming the concept of UN peace operations?\(^{33}\)

3 The Security Council Debate on COVID-19

At the time of writing, since the outbreak of the Corona Virus, the Security Council has been unable to agree on a resolution to confront the pandemic. Until today, there have been several drafts up for debate. However, the draft resolutions and the discussion within the UN Security Council have not been


made available online. Tunisia proposed one resolution and found support among the ten non-permanent members of the Security Council. The Tunisian draft resolution called for “an urgent, coordinated and united international action to curb the impact of COVID-19” and an immediate global ceasefire. France also suggested a draft that repeated Guterres’s call to cease all hostilities. Later Tunisia and France coauthored one draft, which emphasized “the urgent need for enhanced coordination among all countries” and requested “a general and immediate cessation of hostilities in all countries on its agenda.” Furthermore, it called for “all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 30 consecutive days.” However, it exempted military operations against ISIS, Al-Qaeda and Al-Nusra groups, and other “terrorist” entities listed by the Security Council. References to controversial issues such as sanctions relief or human rights were not included. On 12 May 2020, Germany and Estonia submitted another draft resolution, which “demands general and immediate cessation of hostilities in all situations on its agenda”. The text made no mention of the WHO.

Part of the problem is an ongoing dispute between Beijing and the Washington. The Trump administration would like to include a paragraph in the SC resolution stating that the virus originated in Wuhan, China, much to the annoyance of the People’s Republic of China. China fears stigmatization and politicization of the issue. Furthermore, China argues that addressing the issue was not within the mandate of the Security Council. According to China’s ambassador to the UN, Zhang UN “Council members generally feel there is no reason to panic at the moment and plan to monitor the situation, ... COVID-19 is not currently on the organ’s agenda. The virus falls under the umbrella of global public health and security, rather than the Council’s geopolitical scope.” Another issue is whether a reference to the WHO should be included. President Trump is accusing the WHO for having failed to stop COVID-19 from spreading.

spreading. In addition, the Trump administration is insisting on a reference to ‘transparency’.38

4 The UN Security Council and International Law

The Security Council39 is a political organ which enjoys a wide margin of discretion when and how to act.40 Arguably, there is no legal duty to act but a moral expectation that the Council would respond to the current Corona Crises. What are the options for the Security Council? The Council could recommend action under Chapter VI of the UN Charter or it could adopt enforcement measures under Chapter VII of the UN Charter, which would be legally binding upon UN member states according to Art. 25 of the UN Charter. However, one may question whether enforcement measures under Chapter VII have any practical value in case of pandemics.41 Before adopting measures under Chapter VII the Council must have determined “the existence of any threat to the peace or breach of peace, or an act of aggression”. The key question in our present context is whether a global pandemic like COVID-19 could qualify as a threat to the peace.42 The traditional understanding of the term “a threat to the peace” was linked to the existence of an armed conflict or to a situation which could likely amount to an armed conflict. However, beginning in the

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39 In addition to the five permanent members of the Council (China, France, the Russian Federation, the United Kingdom, and the United States), the other 10 non-permanent members are currently Belgium, Germany, the Dominican Republic, Estonia, Indonesia, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia and Vietnam.


1990s, the SC broadened the scope of a threat to peace. It considered humanitarian crises, large flow of refugees, and internal conflicts as threats to peace but it needs to be stressed that in many cases there was a reference in the SC resolutions that these situations had a potential to destabilize international relations and had been connected to pre-existing tensions in specific regions. In 2000, the SC discussed a public health issue for the first time, namely the impact of HIV. However, at that time, US Vice-President Al Gore described HIV/AIDS as a ‘security threat’ not as ‘a threat to peace’. In September 2014, the SC adopted the landmark resolution 2177.

For the first time in its practice, the Council classified an infectious disease, the Ebola outbreak in Western Africa, a threat to international peace and security. A decisive factor of why the Ebola outbreak amounted to a threat to international peace was not only its unprecedented extent but also the threat it posed to post-conflict peacebuilding. In case of COVID-19, the Security Council could make similar arguments that this outbreak was unprecedented, having already generated a negative impact on several peacekeeping operations and threatening the economic, political and social stability of many countries around the world. This would also be in line with the landmark report “In Larger Freedom: Towards Development, Security and Human Rights for All”. In this report, UN SG Kofi Annan recognized that “threats to peace and security in the twenty-first century … also include poverty, deadly infectious disease and environmental degradation since these can have equally catastrophic consequences”. Critics may argue that declaring that the Corona virus is a threat to peace may lead to the inclusion of less imminent and more abstract human security threats under the agenda of the Security Council. Two permanent members of the Council, Russia and China would like to see the Council


focusing differently on its priorities i.e. not becoming a “one stop shop”. China argues that the Council should not become “a grocery store that tries to offer everything”. Russia warns that “not to overload and abuse the Security Council’s agenda by consideration of thematic subjects that are on the agenda of the General Assembly, Economic and Social Council or other bodies of the United Nations”.

What could a SC resolution on COVID-19 look like? There is no magic formula because of the current unique and extremely challenging situation caused by it. However, the SC would send a sign of unity and hope by adopting a resolution on the matter. The Council should rely on the experts’ opinions from many different fields like economists, medical doctors, international lawyers, humanitarian aid specialists, etc. Instead of playing a blame-game over the geographic and epidemiological origins of the pandemic, the SC could confirm SG Guterres’ call for a global cease-fire and explain the security implications of COVID-19 including the negative impact on UN peacekeeping operations. One of the most important aspects should be a universal call on member states urging them to cooperate in the sharing of scientific information, medical and humanitarian aid. Furthermore, the resolution could include a call upon international financial institutions and companies to find solutions to the negative impacts of COVID-19 on the financial systems and economic activity.

Parts of the resolution could resemble the SC’s prior approach to the Ebola outbreak when the council encouraged governments in the region “to continue efforts to resolve and mitigate the wider political, security, socioeconomic and humanitarian dimensions …, as well as to provide sustainable, well-functioning and responsive public health mechanisms. At that time, the SC called on Member States to provide urgently needed resources and assistance. It “emphasized that responses to the Ebola outbreak should address the specific needs of women”. The SC could also establish a special health mission like


One paragraph should stress the importance of upholding human rights in the battle against COVID-19. As already stated in the GA resolution titled “Global Solidarity to Fight the Corona Virus Disease 2019 (COVID-19)”, the SC should “renews its commitment to help people and societies in special situations, especially the weakest and most vulnerable, and recognizes that many Governments have offered their assistance and support to others in a spirit of solidarity and mutual support”. The lifting of UN sanctions and unilateral sanctions, one of the most controversial issues among the SC members, could be discussed in a second SC resolution on COVID-19.

5 Conclusion

As of today, the Security Council has not agreed on any specific actions in response to the COVID-19 outbreak. There are no signs that China and the United States could overcome their differences and agree on a UN Security Council resolution. The pandemic has been one of the biggest challenges in the history of the United Nations. The lack of leadership and the failure to act as a ‘global health peace-keeper’ could lead to discussions concerning the need for Security Council reform and a continued debate regarding the securitization of public health. UN members might be able to agree on criteria when the Security Council has an obligation to act in case of infectious diseases or a responsibility to practice public health. Lessons need to be learned in order to be better prepared and to minimize the negative impact of the next pandemic outbreak, whenever and wherever that may occur.

